

KD\_IM-665943\_1

**REMARKS**

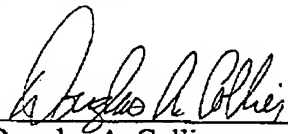
The Election/Restriction Requirement asserts there are two inventions. In response to the Election/Restriction Requirement, the Applicants hereby elect Invention I, claims 1-50, drawn to orthopedic implants, without traverse.

The Restriction Requirement refers to a species election, and states that species are as follows:

- Species A: Pyramidal shaped plate (Figure 1)
- Species B: Diamond shaped plate with reinforcing members (Figure 4)
- Species C: Oval shaped device with fluid bladder (Figures 5 & 6)
- Species D: Spinal distraction element (Figures 11 & 12)
- Species E: Semicircle device (Figures 13-16 & 23-24)
- Species F: Circular-ovular device (Figures 17-22 & 25-26)
- Species G: Multi-diamond/multi-circular device (Figures 27-28)

Applicants elect species A of Figure 1 without traverse. With respect to the elected claims 1-50 of Invention I, it appears that claims 1-5, 8-9, 13-15, 18-21, 27-29, 31-32, 34-38 and 45-48 are readable at least on the elected species. Accordingly, examination of the present application is respectfully requested in view of the foregoing election is respectfully requested.

Respectfully submitted,

By:   
Douglas A. Collier  
Reg. No. 43,556  
Krieg DeVault LLP  
One Indiana Square, Suite 2800  
Indianapolis, Indiana 46204-2079  
(317) 238-6333 (voice)

---

Response to Restriction Requirement  
Serial. No. 10/768,797  
Atty. Docket No. 4002-3068/PC798.00  
Page 2 of 2